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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,073	11/20/2000	James M. Cantonis	ACME SPONGE	8877

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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

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DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary

Application No.

09/715,073

Applicant(s)

CANTONIS, JAMES M.

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "7" and "8" have both been used to designate stitching (Page 5 Lines 15, 19, and 26.) A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both stitched and stitching (Page 5 Lines 6, 10, 17, and 26.) A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "8" has been used to designate both seams and stitching (Page 4 Line 17 and Page 5 Line 15.) A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "13" has been used to designate both stitched shut and stitched end (Page 6 Lines 7, 11, and 15.) A proposed drawing correction or corrected

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drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract exceeds 150 words in length.

6. The disclosure is objected to because of the following informalities: Page 4 Line 8 discloses, "Figure 10 is a photocopy of one side of the invention." Figure 10 does not appear to be a photocopy. It is not sure what is meant.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 Lines 3-4 disclose "the pad being of sufficient length..." It is unclear what is meant by "sufficient length" as it is not enabled within Claim 1.

Claims 11-14 each disclose in Line 2 that the at least one "rectangular sheet has *folds...*" The drawings and specification do not support each sheet having plural folds or having plural folds about an axis.

Claim 21 Line 2 it is unclear what is meant by "man-made chamois-*like* cloth material."

Claim 27 recites the limitation "the four pieces of chamois" in Line 2 of Claim 27, while there is basis for "the four pieces" there is not basis that the four pieces must be chamois. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 is unclear. What is meant by "a pair of elongated pieces of chamois...in a center of an elongated sheet of chamois"? Is a sheet of chamois two elongated pieces?

Claim 36 Lines 2 and 3 are unclear. What is meant by "having inward facing joints and smooth outer surfaces *with the holes*"? Does applicant mean that the outer surfaces *have* holes?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-9, 17-19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sewell, USPN 3,083,392.

Sewell discloses a combination sponge and chamois that is an elongated (Figure 1) wringable pad that has a chamois cover (Figure 1 (3), Figure 2 (7), and Figure 3 (13)), at least one rectangular piece forming the cover (Figure 1), plural holes in the piece (Figure 1 (4)), the pad of a sufficient length to wring, an artificial sponge (which would include poly) (Figure 1 (2) and Figure 3 (12)), the at least one rectangular piece is an at least one rectangular sheet which has two opposite end edges and side edges (a rectangle must have opposite end edges and side edges), a pocket is formed by joints along the edges for receiving and holding the absorbent material, where the joints are formed by stitches (Column 2 Lines 22-23), and plural chamois (also man-made chamois-like) pieces may form the cover (Figure 3).

9. Claims 1, 4-9, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al., USPN 5,671,498.

Martin et al. discloses a scrubbing device that is an elongated wringable pad comprising a cover and absorbent material (Figure 1), at least one rectangular piece forming the cover (Column 5 Lines 64-66), plural holes within the piece (Column 5 Lines

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44-47), and the pad of a sufficient length to wring, the holes are spaced on one-half inch centers (Column 5 line 46 discloses a hole size of 1/16 of an inch and therefore every eighth hole is one half inch interval from another), the absorbent material may be a poly sponge (Column 5 Lines 52-53), the at least one rectangular piece is two rectangular sheets (Column 3 Lines 52- 54) which has two opposite end edges and side edges (a rectangle must have opposite end edges and side edges), and a pocket formed by joints that are stitches (Column 6 Lines 17-25). Martin et al. discloses does not disclose a physical dimension for the scrubbing device. Martin et al. dose however provide a teaching that the cover may extend for a length to enable a human user to cleanse the back (Figure 19 and Column 9 Lines 41-60.) With this use, the length of the cover is *about 37 1/4"* and the width is *about 6 1/4."*

10. Claims 1, 5-11, 13, 18, 22-23, and 27-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Giallourakis, USPN 4,821,360, herein referred to as '360.

'360 discloses a polishing pad that is an elongated wringable pad comprising a cover and an absorbent material (Figure 3), formed of at least one rectangular piece (Column 2 Lines 38-41), plural holes in that piece (Figure 5), the pad being of a sufficient length to wring, the absorbent material is an elongated poly sponge (Column 2 Lines 12-13), wherein the at least one rectangular piece is an at least one rectangular sheet (Column 3 Lines 10-13 and Lines 36-38), the at least one rectangular sheet having has two opposite end edges and side edges (a rectangle must have opposite end edges and side edges), a pocket formed by joints along the edges (Column 3 Lines 24-26), the joints being seams formed by stitches (Column 3 Lines 18-20), the pocket

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has the seams inward facing and smooth outer surfaces (Column 2 Lines 28-30 provide that it can be sown but turned inside out so that the smooth surface is the outer surface), at least one rectangular sheet has folds medially between the end edges about an axis forming a pocket having equal halves joined along the side edges (Figures 1A and 2A), plural pieces form the cover (Column 2 Lines 38-41), and the cover completely encloses the absorbent material and edges are jointed to prevent the absorbent from slipping out (Figure 4 and Column 3 Line 52 to Column 4 Line 4).

Further, the plural pieces are at least four rectangular pieces (Column 3 Lines 35-40 disclose that each of two sheets may have a double layer of material, which is a total of four sheets), connections for the four sheets being stitched seams in alignment along the two longer parallel side edges and end edge comprising a pocket (Column 3 Lines 40-46; Figure 2), where the pocket has the seams inward facing and smooth outer surfaces (Column 2 Lines 28-30 provide that it can be sown but turned inside out so that the smooth surface is the outer surface), the absorbent material to be inserted is an elongated poly sponge (Column 2 Lines 12-13), and the sheets are formed by connections prior to the insertion of the absorbent material (Column 3 Lines 48-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, USPN 4,821,360.

'360 discloses all elements mentioned above, however does not disclose that the fold is made medially along the side-edges. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make a medial fold along the side-edges instead of the end-edges because Applicant has not disclosed that folding the material along particular edges provides an advantage is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art furthermore, would have expected Applicant's invention to perform equally as well with the fold medially along the side edges because it will still form a pocket with three sides with stitched joints. Therefore it would have been obvious for one of ordinary skill in the art to modify '360 to obtain the invention as specified in claims 12 and 14.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, USPN 4,821,360 in view of Hale, USPN 5,918,341.

'360 discloses all elements mentioned above, however does not disclose a specific length or width dimension.

Hale discloses a hand sized controlled-fold cleaning sleeve made of chamois (Column 3 Line 9) that has folds, stitches, and pockets (Figures 1-4—Figure 2 specifically shows the pocket that is formed by the stitching along the edges) that serves to clean surfaces. An absorbent material could be inserted into the pocket of the sleeve "cover." Hale further discloses that the length of the cover is 19" and the width is 16" which is *about* 18 $\frac{3}{4}$ " long and 12 $\frac{1}{2}$ " wide that is claimed. It would have been

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obvious to one of ordinary skill in the art to use the teaching of Hale to provide a cover of such physical dimensions to use an appropriate amount of material for the area that needs cleaning.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sewell, USPN 3,083,392.

Sewell discloses all elements mentioned above including the cover material being chamois, however does not disclose a sheep-skin chamois.

It would have been obvious to one of ordinary skill at the time of the invention was made to use sheep-skin chamois as a specific chamois cover material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

14. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, USPN 4,821,360 in view of Martin et al., USPN 5,671,498.

'360 discloses all elements mentioned above, however does not disclose a specific length or width dimension.

Martin et al. discloses all elements mentioned above and further discloses that it is desired that a scrubbing brush is useful when manipulated by the hand (Column 3 Lines 18-24.) It would have been obvious to one of ordinary skill in the art to use pieces of *about* 9 ½" in length and *about* 6 ¼" in width to make the pad of '360 handheld by the user.

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15. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giallourakis, USPN 4,821,360 in view of Sewell, USPN 3,083,392.

'360 discloses all elements mentioned above, however does not disclose a using a chamois material. '360 however does disclose that it is desirable to use a soft nonabrasive fabric (Column 1 Lines 13-14.)

Sewell discloses a chamois cover (Column 1 Lines 13-16.)

It would have been obvious to one of ordinary skill at the time of the invention was made to use chamois, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 3,206,784 to Linenfelser discloses a combination chamois-sponge where it is disclosed that holes in the chamois skin increase the flexibility and capable of being thoroughly wrung.

USPN 2,526,076 to Jones discloses a cloth of which there are holes punched to permit free passage of water when the sheet is wrung.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-

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7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

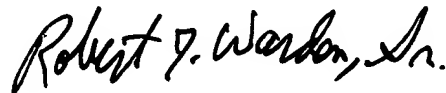
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8772 for regular communications and (703) 873-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

LCC

LCC

January 7, 2003



ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
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